

VAN DE WATER CAN'T DEFEND.

VIEWS OF JUSTICE BISCHOFF ON THE WATT DIVORCE CASE.

He Thinks That the Church Will Take No Further Action—The Clergyman's Lawyer Will Fight Discontinuance of the Action Begun in This County.

The announcement was made yesterday that Mrs. Adele F. Watt had obtained a divorce from her husband Commodore Archibald Watt. The interlocutory decree was granted by Supreme Court Justice Sewell, in Brooklyn, on Sept. 30. The suit was brought in Orange county and on Dec. 4 the papers were filed with the clerk of that county. Final judgment was not entered on Dec. 3, as it might have been, but was postponed to Dec. 15.

This leaves the Rev. George R. Van De Water, rector of St. Andrew's Protestant Episcopal Church, in a curious dilemma, as he was not named in the Orange county proceedings, and therefore had no means of clearing himself of the charges made in January last in the suit brought in this county by Commodore Watt.

Dr. Van De Water's lawyer, William H. Sage, of all the counsel engaged in the case, was the only one who would talk for publication yesterday. He gave out the following statement:

The statement in this morning's newspapers that Mrs. Watt had secured an absolute divorce against Mr. Watt in Orange county is the first intimation I have had that any such action was pending or even contemplated. Of course I shall vigorously oppose any discontinuance of the action in this county. Of course I shall vigorously oppose any discontinuance of the action in this county.

The position of a correspondent is a very peculiar one. He is not an original party to the action, but by special statute has some of the rights of a party, and whether he could prevent the discontinuance of an action in which his good name was attacked, where such discontinuance is based on the ground that the marriage itself had been severed, I am not now prepared to say.

The fact, however, that a divorce was granted in an action in a remote county, in which no allegations whatever were made by Mr. Watt involving Dr. Van De Water, is a vindication for Dr. Van De Water, for if Mr. Watt had been able to prove his charges he most certainly would have set them up in that action.

Supreme Court Justice Bischoff, who is a vestryman of St. Andrew's Protestant Episcopal Church, has taken a deep interest in the charges made against Dr. Van De Water and his lawyer, and has been in the clergyman's innocence. Justice Bischoff said yesterday:

The news of the judgment is a surprise to me. The case could not have been tried in Orange county unless one or other of parties was a resident of that county, or unless both Mr. and Mrs. Watt consented to such a trial. As I understand it, the suit and counter suit here are still pending and will be called for trial in their proper order unless discontinued. If no response is made to the call, then the court will dismiss the suits and that will end the matter, as far as the correspondent is concerned.

I do not think that there will be a church investigation in the matter. I do not perceive how it could benefit any one. The church could not compel the attendance of witnesses, or of Mr. and Mrs. Watt. I would not advise such a proceeding, had I any say in the matter. As far as I can see, if the suit and counter suit here are dropped, the affair is ended so far as Dr. Van De Water is concerned.

The litigation between Mr. and Mrs. Watt started about a year ago last June, when Mrs. Watt began a suit in this county for a separation on the grounds of desertion and cruelty. Henry A. Hummel, her attorney, secured for her \$100 a week alimony and \$1,000 for counsel fee. It was on this motion that Commodore Watt's counsel, John C. Shaw, interposed an affidavit in his answer denying her charges and accusing her of misconduct with a "clergyman." Mr. Shaw subsequently started a counter suit on behalf of Watt, demanding an absolute divorce on the ground of Mrs. Watt's intimacy with Dr. Van De Water and another correspondent.

Mr. Hummel promptly replied by affidavits and an answer to the counter suit, in which Mrs. Watt accused her husband of adultery with several women. This answer made her separation suit one for an absolute divorce, according to a lawyer who is familiar with the case.

As Mrs. Watt insisted on a jury trial, a large number of questions relating to the allegations were framed by counsel and submitted to Justice Blanchard for his approval. These questions were to have gone before a jury.

Thereafter the clergyman intervened as a correspondent and put in an answer denying the charges against him. That was the condition of affairs when Mrs. Watt suddenly employed new counsel, Hoadly, Lauterbach & Johnson, and brought a suit in Orange county for a divorce. Myer Kusbaum of 256 Broadway was referee, and he recommended in September that the charges be granted a divorce. His report was approved, and an interlocutory judgment granted which becomes absolute three months later. Most of the testimony was taken at Newburgh.

DOLL SALES FOR CHARITY.

Toy Baby From Mrs. Roosevelt Goes for \$100—Little Folks Earn \$1,000.

Two charity doll bazaars were held yesterday. "The Little Mothers' bazaar" a society for providing for homeless children, held one at the Waldorf-Astoria and sold several thousand dollars worth of dolls. One from Mrs. Roosevelt, sent "with the love of all the children," brought \$100. A big toy baby given by Mrs. George Gould and one from Mrs. Mabel McKinley Baer were raffled for about twice that amount. A "Peggy From Paris," from Miss Georgia Calne, and a boy from Miss Maude Adams also brought big prices.

The other fair was given by the Guild of the Infant Saviour at the home of Mr. and Mrs. Germain Berne in West 57th street. It was called "The Little Folks' Bazaar," and earned nearly \$1,000 toward giving a happy Christmas to poor children.

DINNER DANCE AT DELMONICO'S.

First of the Thursday Evening Dances Draws a Large Attendance.

The first of the Thursday evening dances for the season, instituted several years ago by Mrs. Frederic J. de Peyster and J. Montgomery Strong, was given last night at Delmonico's. The new patron, Mrs. James L. Barclay, Mrs. Louis Cruger Hasell, Mrs. Arthur Sedgwick, Mrs. Elphinstone Nott Potter.

Each of the thirty patronesses entertained her own guests at a flower trimmed table in the big ball room. After the dinner the tables were cleared, while coffee was served in the outer saloon. Alexander M. Hadden led the waltz with Miss Ellen Mercer Atterbury. Among the favors were wands, chrysanthemums and picture frames.

Mine Boss Killed in Port Royal Mine.

PITTSBURG, Dec. 10.—A second explosion of freamp occurred at 11 o'clock this morning in the Euclid mine of the Pittsburgh Coal Company, near Port Royal, killing Mine Superintendent W. M. Sweeney and fatally injuring Pitt Boss John Horrocks and two laborers, Peter Labario and Antonio Markoski. An explosion which killed one man and injured several others occurred in the same mine yesterday.

The CENTURY MAGAZINE

"Four Roads to Paradise" is the title of a new serial story just beginning in The Century, a love story of New York people, full of good character-drawing, wit, and observation of life, and illustrated too.

The Christmas Century, now for sale everywhere, is called the most beautiful number ever issued,—the color pictures in it include some of Maxfield Parrish's wonderful paintings of Italian Gardens.

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Water Register Took the Man Instead of His Money and He's in Jail.

Water Register John E. Eastmond of Brooklyn caused the arrest of an alleged briber yesterday, after which the prisoner created considerable excitement by throwing a "fake" fit in the office of District Attorney Clarke, where he was taken by Eastmond and two of his clerks.

Several days ago Mr. Eastmond was visited by a man who gave him the name as Henry Fulk of 485 Glenmore avenue, East New York. He wanted a permit to flood vacant lot, which he intended to prepare for an open air skating rink. He said he did not wish to pay more than \$10 for his permit, and requested a flat one that would allow him to use as much water as he needed.

"I am willing to make good for the privilege," he is alleged to have said. "I have an additional \$15 which I am willing to give up if the inspectors are kept away from the lot." Mr. Eastmond told him that nothing could be done for a day or two. The youthful official then hurried to District Attorney Clarke and told him that an attempt had been made to bribe him. Mr. Clarke wanted to take the facts to the Grand Jury and get an indictment, but Mr. Eastmond thought he could get the culprit in a nester manner.

Arrangements were made with two clerks in the Water Register's office to be present when Mr. Fulk next visited Mr. Eastmond. One of these clerks is a deputy sheriff. Yesterday the man arrived and asked for Mr. Eastmond. When he was ushered into the room the two clerks kept him waiting for a few minutes, and then the applicant for a permit dismissed his waiters with their chief. Finally he became impatient at the manner in which Mr. Eastmond took his time, and would be fixed all right, and laid \$15 on the desk.

"There is your money," he said. "Take it and don't make a fuss about it. I will call again for the permit, and when the clerk makes it out I will pay for it."

One of the clerks picked up the money, marked the bill and handed them to the second man, who also marked them. They were then handed to Mr. Eastmond, who ordered the man under arrest.

Fulk was at first inclined to think that the whole affair was a huge joke—that an official could refuse cold cash never entered his mind—and laughingly asked if he would be allowed to get to the rink in time to turn on the water, as he thought it was going to be a cold night.

When he was finally taken to the office of District Attorney Clarke, and heard the charge made against him, he collapsed. Ambulance Surgeon Atkin of the Brooklyn Hospital was summoned, and after a careful examination said the fit was a fake. Fulk was arraigned before Magistrate Dooley in the Adams street court and held for examination.

R. T. BOARD TO ASK THE COURT

To Legalize the Park Avenue Change of Route That Wrecked Houses There.

At the meeting of the Rapid Transit Commission yesterday Albert B. Boardman, counsel to the board, reported that he will apply to the Supreme Court to-day for the appointment of a condemnation commission to legalize the change of the subway route in Park avenue. The eastern tracks under this avenue were moved thirty feet nearer to the curb than was provided in the original plans, with the result that some of the houses on the avenue caved in.

The change was made without authority, but the Aldermen have since assented to the alteration of route. The eastern tracks have formed an association and have refused their consent until they are indemnified for the damages they have suffered and his home would be sold, whether the city or the contractor is to be responsible for it. Both the city and the contractor have repudiated liability.

To dodge the necessity of obtaining the consent of the property holders, the commission has to obtain a right of way by condemnation proceedings. The commission authorized Mr. Boardman to hire expert engineers to prove that it was necessary to modify the route in Park avenue to permit the turning of trains into Forty-second street.

"JOE'S" A WAYWARD SON? Lawyer Says So and That His Parents Fear Social Outcast.

The man who grabbed a tray of diamonds and jewelry in the store of Henry Nockin, 667 Columbus avenue, and was caught after a chase, was arraigned in the West Side police court yesterday and held in default of \$2,000 bail for trial.

He described himself to the police as "Walter Jones, 23 years old, of 26 Montgomery street, Jersey City," but his lawyer, C. B. F. Barra, declared that his client was the son of a rich New Yorker and had acquired a mania for robbery after his graduation from college a year ago.

"Were his relatives to come into court," said Barra, "they would be recognized and suffer social ostracism. So they have decided to remain in the background, and the prisoner has agreed, in return for their help, to keep his true name a secret."

FOR HOMELESS MACEDONIANS.

Mayor Low Issues an Appeal to the Charitable on Their Behalf.

An appeal for subscriptions to aid such Macedonians as have been left homeless by the recent revolt has been issued, signed by Mayor Low and prominent clergymen of the city. It has been prepared by the Rev. Dr. John P. Peters, at the instance of two native Congregationalist missionaries. The appeal is for \$100 a day, and will be needed for several months. Contributions may be sent to the Trust Company of America at 140 Broadway or to Kidder, Peabody & Co. of Boston.

Brooklyn Firm Buys Fulton Street Corner

The dry goods firm of Abraham & Straus in Brooklyn has just purchased the east corner of Fulton street and Gallatin place, with a frontage of 46 feet on the former and 91 feet on the latter street.

The firm now owns the entire block between Hoyt street and Gallatin place, with the exception of the Hoyt street corner and three parcels just to the west of the store. The property just acquired was for several years the headquarters of the Young Men's Christian Association.

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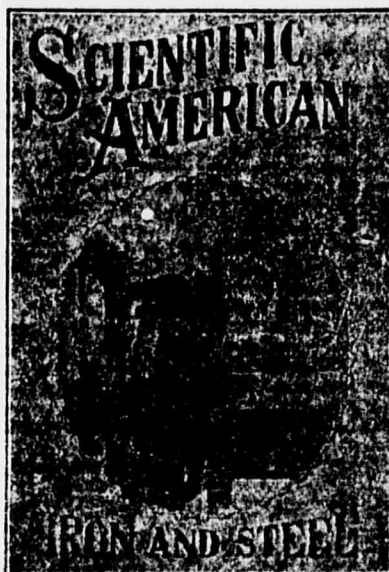
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